



Fitting Brownfields Redevelopment into the Land Use Planning Puzzle

Indiana Brownfields Conference
April 12, 2006

Outline

- Why is redevelopment a critical element of the big picture for land use?
- What are some ways to interface with local community development processes and encourage redevelopment?
- How do current rules potentially impede redevelopment?
- What do we need from a state perspective to encourage redevelopment
- Questions and answers?

Indiana Population Change

- 1990 Population: 5,544,159
- 2000 Population: 6,080,485
- 2005 Population (est.): 6,271,973

- 1990-2000: + 9.7 %
- 2000-2005: + 3.1%

Growth Rates Vary Across Counties

- Brown County
 - o 1990-2000: + 6.2% countywide (877 persons)
 - o 2000-2005 (est.): + 1.3% countywide (197 persons)
- Hamilton County
 - o 1990-2000: + 67.7% countywide (73,804 persons)
 - o 2000-2005 (est.): + 31.7% countywide (57,945 persons)

Growth Rates Vary Across Counties

	1990	2000	Population Change 1990-2000
Boone	38,147	46,107	20.9%
Brown	14,080	14,957	6.2%
Hamilton	108,936	182,740	67.7%
Hancock	45,527	55,391	21.7%
Hendricks	75,717	104,093	37.5%
Johnson	88,109	115,209	30.8%
Marion	797,159	860,454	7.9%
Monroe	108,978	120,563	10.6%
Morgan	55,920	66,689	19.3%
Shelby	40,307	43,445	7.8%

Growth Rates Vary Across Counties

	2000	2005 (est.)	Population Change 2000-2005
Boone	46,107	52,061	12.9%
Brown	14,957	15,154	1.3%
Hamilton	182,740	240,685	31.7%
Hancock	55,391	63,138	14.0%
Hendricks	104,093	127,483	22.5%
Johnson	115,209	128,436	11.5%
Marion	860,454	863,133	0.3%
Monroe	120,563	121,407	0.7%
Morgan	66,689	69,778	4.6%
Shelby	43,445	43,766	0.7%

Urban Land Cover Change

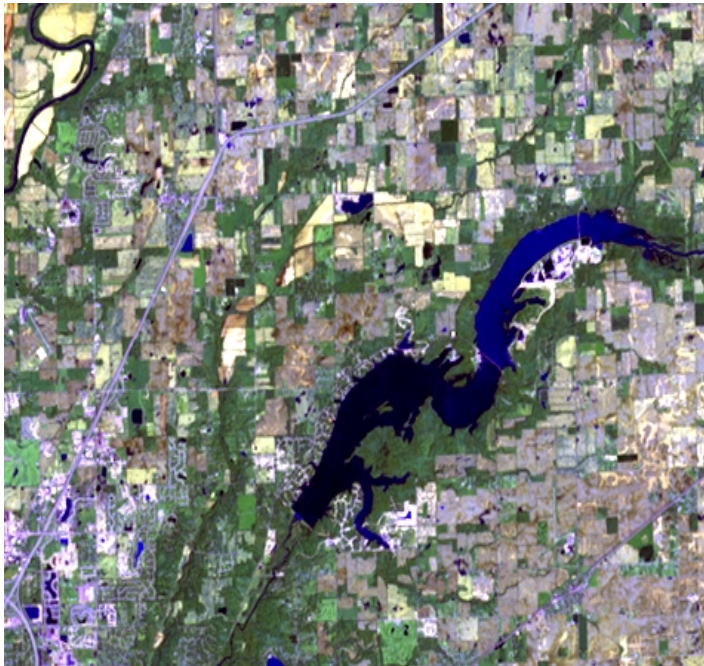
- Total Acres of “Urban Cover” for Hoosier Heartland RC&D Service Area (10 counties)
 - o 1985: 144,192 Acres
 - o 2001: 222,412 Acres
 - o +54.2%

Urban Land Cover Varies Widely (1985 to 2001)

- Brown County:
 - o +229 acres (28.9%)
- Hamilton County:
 - o +16,100 acres (160%)

Land Cover Change (Geist Reservoir)

1985



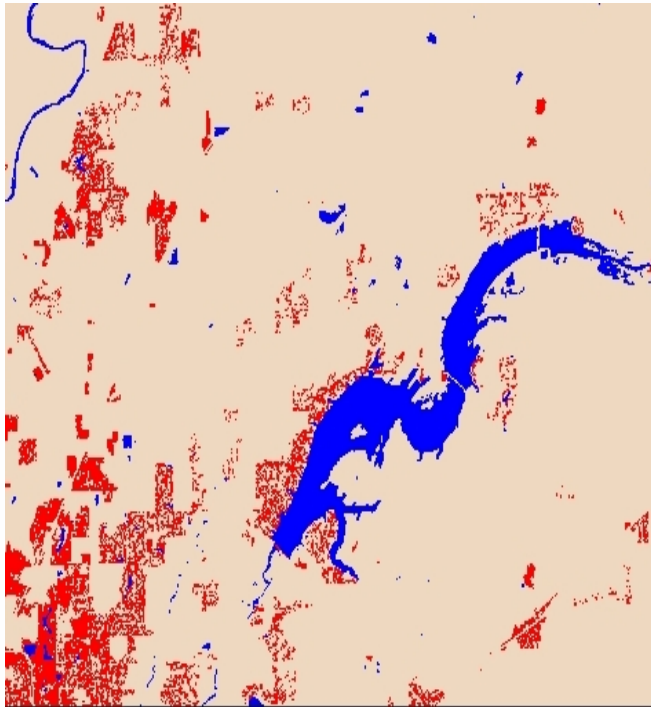
2001



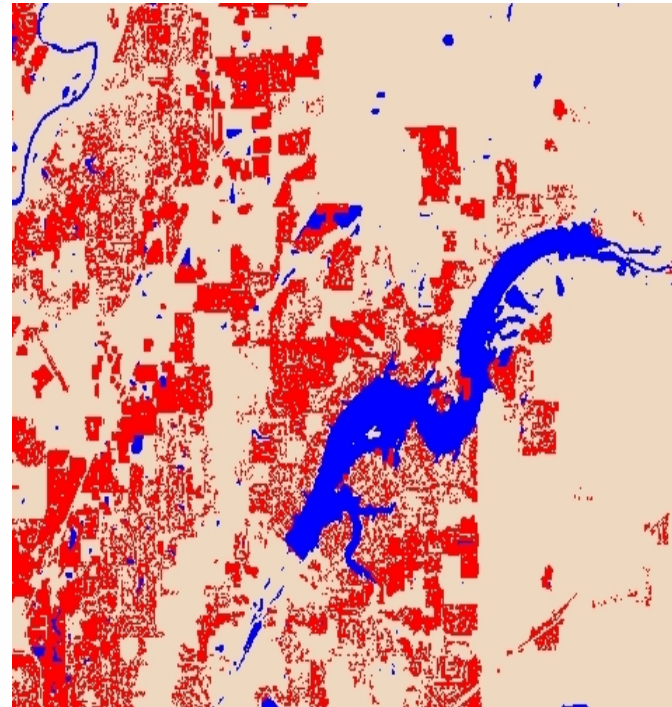
Research provided by
Dr. Jeff Wilson
IUPUI - Department of Geography

Land Cover Change (Geist Reservoir)

1985

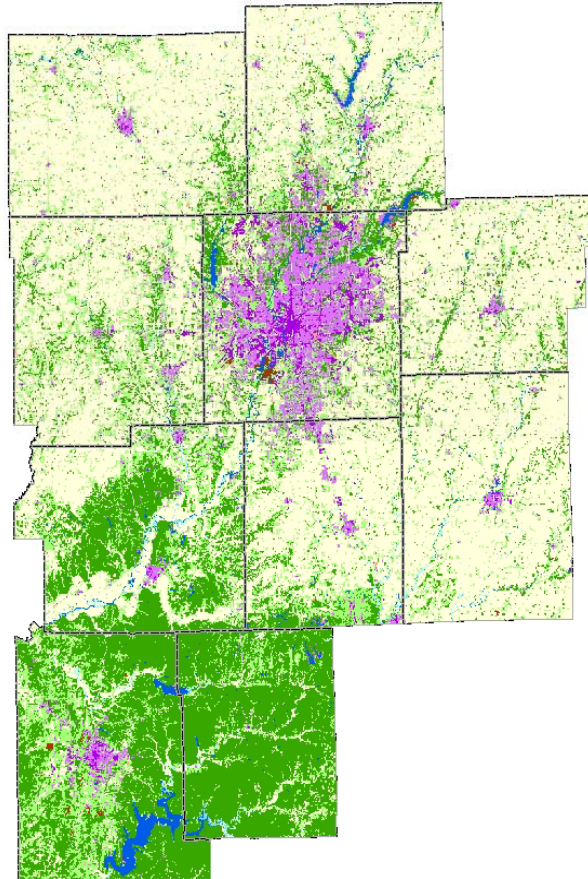


2001

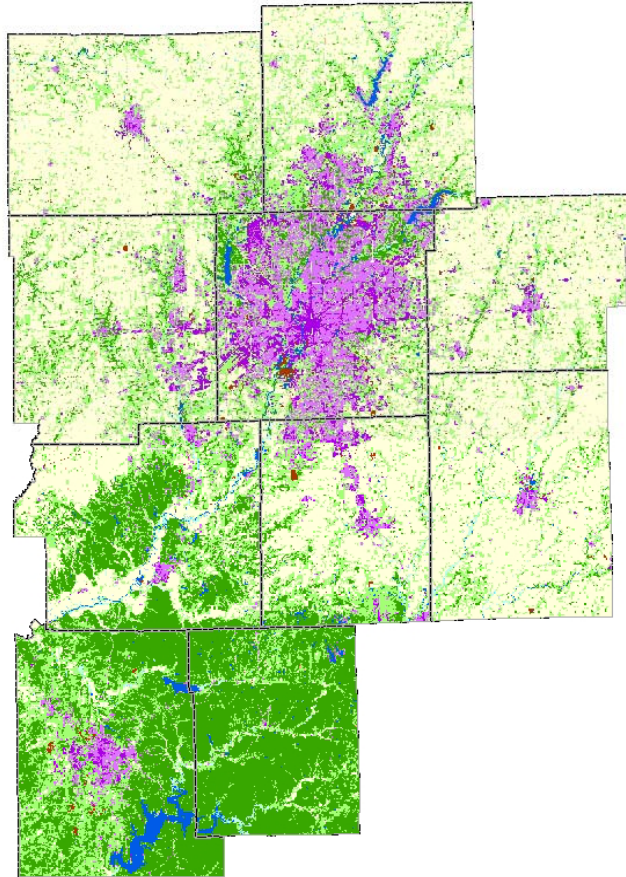


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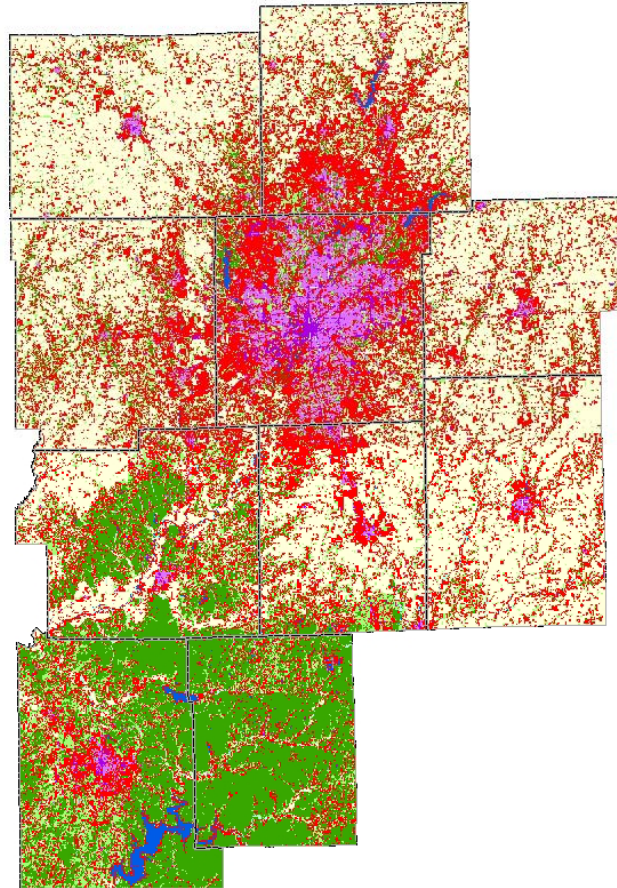
HHRC&D Land Cover (1985)

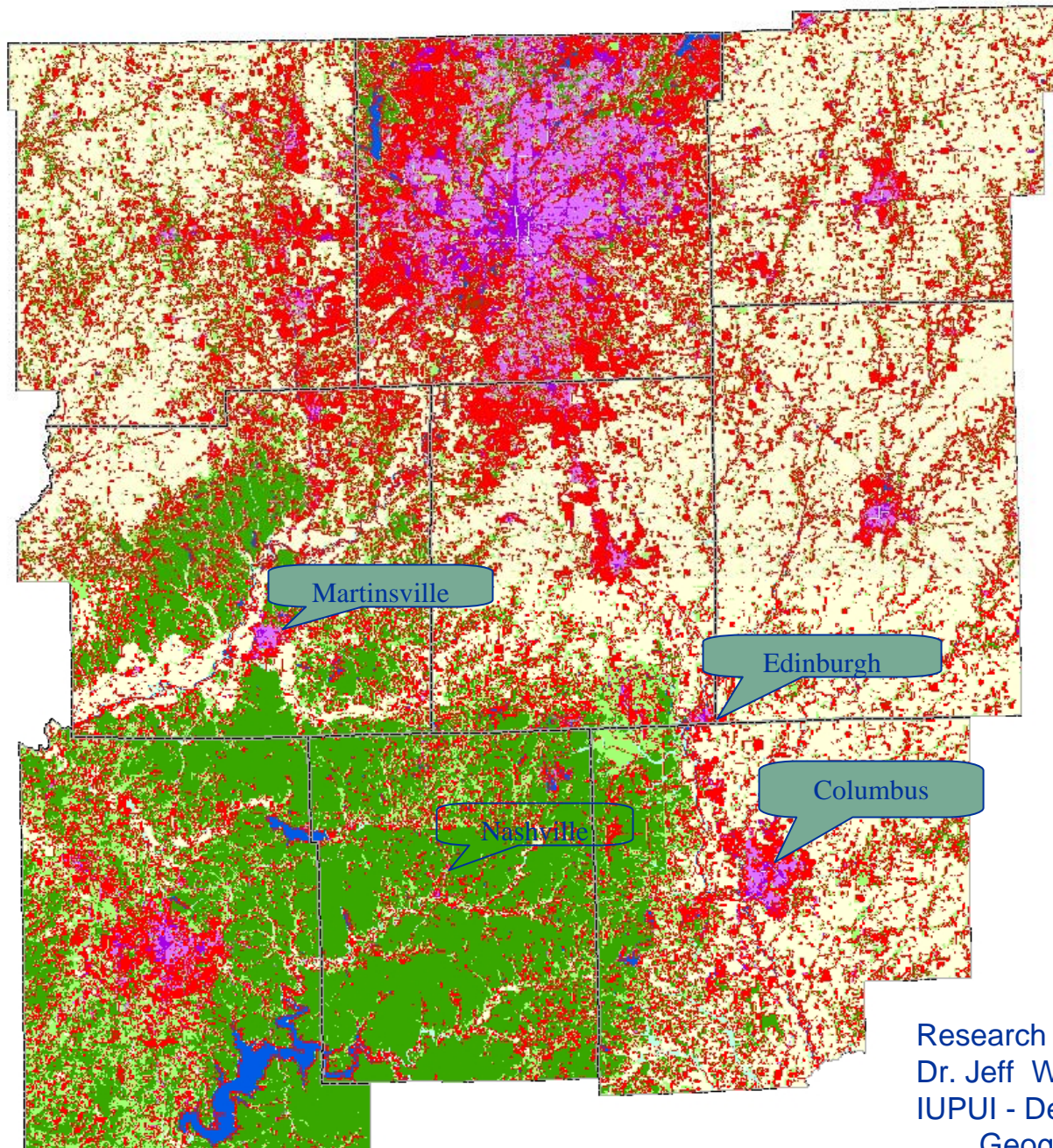


HHRC&D Land Cover (1993)



HHRC&D Land Cover (2001)





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Geography

Population Growth Relative to Land Cover Change

	% Population Change (1990s)	% Urban Land Cover Change (1985 - 2001)	Factor
Boone	20.9%	71.3%	3.4
Brown	6.2%	28.9%	4.6
Hamilton	67.7%	155.9%	2.3
Hancock	21.7%	32.0%	1.5
Hendricks	37.5%	126.6%	3.4
Johnson	30.8%	112.0%	3.6
Marion	7.9%	29.3%	3.7
Monroe	10.6%	55.4%	5.2
Morgan	19.3%	68.2%	3.5
Shelby	7.8%	40.4%	5.2

Desire for Change

- Smart growth movement
- Sustainability goals
- Concerns about changing quality of life
- Indiana Land Use Consortium Principles

Smart Growth Principles

- Mixed Land Uses
- Take Advantage Of Compact Building Designs
- Create A Range Of Housing Opportunities & Choices
- Create Walkable Neighborhoods
- Foster Distinctive, Attractive Communities With A Strong Sense Of Place
- Preserve Open Space, Farmland, Natural Beauty And Critical Environmental Areas
- Strengthen & Direct Development Towards Existing Communities
- Provide A Variety Of Transportation Choices
- Make Development Decision Predictable, Fair And Cost Effective
- Encourage Community & Stakeholder Collaboration

Indiana Land Use Consortium (ILUC)

- Mission: The Indiana Land Use Consortium serves as a catalyst for education and a forum for discussion to foster responsible land use decisions and practices in Indiana

Indiana Land Use Consortium (ILUC)

- General Principles
 - o Growth is necessary for the prosperity of the state
 - o The national economy is market-based and planning should continue to respect the choices made by individuals and the community
 - o It is important to foster the human diversity that has characterized our nation's history
 - o Land use decisions must be approached in a holistic manner that considers its many consequences and interactions
 - o Long-term planning is a necessary component to manage land-use in Indiana effectively
 - o The effective resolution of land-use issues requires balancing many interests

Indiana Land Use Consortium (ILUC)

- Substantive Principles:
 - o Protect natural areas, such as wetlands, wildlife habitats, lakes, woodlands, and open spaces
 - o Protect economically productive natural resource-based systems, such as agricultural lands, forests, surface and groundwater resources and mineral resources
 - o Build community identity and sense of place
 - o Provide integrated and efficient systems for education, recreation, multi-modal transportation and other public services

Indiana Land Use Consortium (ILUC)

- Substantive Principles (cont.):
 - o Promote stabilization and expansion of the economic base and job creation
 - o Balance individual property rights with community interests and goals
 - o Encourage neighborhood designs that support a range of lifestyle choices
 - o Promote development that serves the needs of a diverse population

Indiana Land Use Consortium (ILUC)

- Substantive Principles (cont.)
 - o Preserve cultural, historic and archeological sites
 - o Preserve and enhance unique urban, suburban and rural communities
 - o Encourage cooperation and coordination among nearby units of government and local schools
 - o Promote redevelopment of land with existing infrastructure and public services
 - o Promote maintenance and rehabilitation of existing residential, commercial and industrial structures

Indiana Land Use Consortium (ILUC)

- Substantive Principles (cont.):
 - o Promote efficient land use development patterns and densities
 - o Promote equitable and efficient allocation of public resources
 - o Provide infrastructure, services, and developable land that addresses market demand for residential, commercial and industrial uses
 - o Ensure an adequate and diverse supply of housing for all income levels within the community

Local Quality of Life Considerations

- Livability
 - o Accessibility
 - o Transportation
 - o Health
- Education
 - o Capacity
 - o Location
 - o Cultural Issues
- Sustainability
- Many Other Elements!

The Point

- More redevelopment reduces the pressure to consume land and natural resources to accommodate the needs of a growing population and changing economy!

The Point

- This is a very complex task with no easy solutions or “quick fixes”
- It will take the combined effort of many people representing many perspectives to find a balanced, sustainable strategy to address these issues

Interfacing with Community Development Processes

- General education of professional and citizen planners
- Comprehensive and sub-area/sub-topic plans
- Implementation tools, including zoning
- Testifying on development petitions
- Economic development and redevelopment efforts

General Education

- Professional planners
- Elected and appointed officials (“citizen planners”)
- Developing relationships outside the context of particular development proposals
- General information about redevelopment processes
- Information about specific local redevelopment issues

Comprehensive Plans

- Comprehensive plans are required for communities that have planning and zoning (IC 36-7-4-500 et seq.)
- “Blighted areas” and “recommendations, plans, and policies for redevelopment” included as optional elements

Comprehensive Plans

- Opportunities to interface:
 - Participate in the plan's steering committee
 - Provide information about redevelopment and brownfields issues
 - Provide data on existing conditions (inventory of redevelopment opportunities)
 - Participate in public meetings

Implementation Tools

- Zoning
- Subdivision control
- Capital improvements planning
- Steering committee
- Public meetings

Today's Public Decision-Making Environment

- *“There are many people with the power to say no, yet no one person or group has the power to act alone. People do not trust each other. There are hidden agendas. There is no larger vision that brings coherence to actions. No person or group has enough credibility to provide leadership. Nobody will take a leadership role. People lack the leadership capacities or group skills to work together constructively. There are not enough resources to address the problem. Most citizens are apathetic; they will not take responsibility for shared problems. Leaders and citizens avoid risk for fear of being attacked by others. The problems are complex and interdependent; they cross-jurisdictional boundaries. No one is in charge.”*
(Chrislip and Larson, 1994, p. 1)

Regulatory Impediments to Redevelopment

- Greenfield standards
- Single-use zoning
- Setbacks
- Minimum lot sizes
- Parking requirements
- New construction building codes

Solutions

- Traditional neighborhood development ordinances
- Mixed-use zoning
- Lesser setbacks
- Accommodation for historically small lots (granting hardship and variance)
- Appropriate parking standards

Solutions

- Traditional infrastructure requirements
- Flexible regulations
- Modified level of service standards
- Incentives, including density bonuses, waivers of development or infrastructure fees
- Ongoing maintenance of infrastructure
- Streamline review process

Building Codes and Redevelopment

- Focused on new construction
- Inconsistency in code requirements, implementation and enforcement
- Adopted and enforced independently by local governments
- Thought to add significant costs to projects
- Seen as an impediment to innovation of building methods

Code Reform Movement

- Various efforts to remove unnecessary and unrealistic hurdles for worthy rehab projects
- Efforts date back to the 1960s
- In 1997, HUD released the Nationally Applicable Recommended Rehabilitation Provisions (NARRP)
 - Set framework that will encourage continued use or re-use of legally existing buildings...
 - Maintain or improve public health, safety and welfare...
 - Clarify requirements...
 - Established standards of predictability and proportionality (nature of work; area of building; “hazard category scales” based on type of occupancy)

Code Reform Movement

- As part of the smart growth movement, New Jersey (1998) was first state to adopt a rehabilitation sub-code. Maryland, Rhode Island and North Carolina followed suit
- In 1998, Indiana adopted Rule 8. Indiana Rehabilitation Standard as part of the state building code
- In 2003, the International Code Council (ICC) issued its International Existing Building Code (IEBC) that shared many elements with the New Jersey sub-code. 14 states currently have adopted statewide and 26 more are expected to as it becomes better known

Indiana Building Rehabilitation Standard (Rule 8)

- Purpose – The provision of this rule shall maintain or increase public safety, health and general welfare in existing buildings by permitting rehabilitation, change of use, occupancy or location without requiring full compliance to the criteria for new construction, unless otherwise specified in this rule (675 IAC 12-8). This rule also provides a means to evaluate the adequacy of fire and life safety systems in an existing building. (Effective: March 1, 1998)

Indiana Building Rehabilitation Standard (Rule 8)

- Applies to existing buildings that will continue to be...building types 1 through 11
- Requires that existing buildings be maintained in accordance with the rules that were in effect at the time of original construction (existing conditions are “grandfathered” if compliance with code of record can be demonstrated)
- Triggered by owner request
- State Building Commissioner and State Fire Marshall shall review plans for rehab and inspect

Indiana Building Rehabilitation Standard (Rule 8)

- **Building Types**

- Theaters
- Nightclubs, dance halls...> 50 people
- Lecture halls, auditoriums...other than nightclubs > 50 people
- Churches & other religious facilities, excludes church/parochial schools
- School buildings
- Office buildings, others where income is based upon service provided and assembly areas of < 50 people
- Factories & industrial buildings other than those involving flammable, combustible or explosive products...
- Wholesale & retail stores, other than those ...based on services provided
- Hotels, motels, apartments, condominiums, barracks...and attached one (1) and two (2) family dwellings
- Moderate hazard storage, automotive & aircraft storage & repair
- Low hazard storage, including automotive & aircraft storage w/o repair

Indiana Building Rehabilitation Standard (Rule 8)

- Key elements
 - Applies to change of use, occupancy or location
 - Defines application based on rehab of existing portions
 - Includes additions to existing
 - Focuses on safety and welfare
 - Addresses accessibility requirements (new construction) with exceptions

Success of Code Reform

- Rehab code reform is “now embraced and accepted in the mainstream” (Johns Hopkins-Baltimore Heritage, Inc.)
- Building inspectors are resisting change
- Local & state officials often don’t do enough to publicize and educate...
- Little research on the impact
- Existing research does show positive impacts (Univ. of North Carolina – not yet released)
- Case studies from New Jersey, Maryland and North Carolina show codes made projects feasible

Actions needed to encourage redevelopment

- “Sell” the rehab code to local communities
- Include brownfields and redevelopment issues in conferences of other groups
- Others?

Questions?

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